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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,297	12/07/2004	Jens Franke	01012-1021	4701

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EXAMINER	
NGUYEN, SIMON	
ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/517,297	FRANKE ET AL.	
	Examiner	Art Unit	
	SIMON D. NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-10* is/are rejected.

7)☒ Claim(s) *6 and 11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 December 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawing of fig. 8 is objected to because components of the figure do not label or name. It requires to name or label components in the figure for those skilled in the art to look at it to understand. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. (6,850,238).

Regarding claim 1, Bryant discloses a method for displaying power levels of code channels of a CDMA signal, said code channels having different spreading factors (fig.1) comprising: receiving the CDMA signal (fig.2A); measuring the power levels of the code channels of the CDMA signal (column 3 lines 65-67); displaying the measured

power levels of the code channels for a specified base spreading factor in a diagram (fig.1, column 3 lines 62 to column 4 line 9); and marking those code channels which provide an alias power level, wherein a code channel provides an alias power level relating to the specified base spreading factor when the code channel with the specified base spreading factor, and a code channel of a higher spreading factor (fig. 1, 2b, column 2 line 49 to column 3 line 20, 39-51). However, Bryant does not specifically disclose active or inactive code.

It should be noted that Bryant discloses base codes and sub-codes, wherein the base codes means the codes are active and the sub-codes means the codes are inactive, which is known to those skilled in the art.

Engholm discloses a method for displaying of code domain power (abstract), in which a code channel provides an alias power level relating to the specified base spreading factor when the code channel with the specified base spreading factor is inactive and a code channel of a higher spreading factor is active (abstract, figs.1-3, paragraphs 11-14). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Bryan, modified by Engholm to provide a visual indication of both power and spreading factor for active as well inactive codes in order to help a design improvement of coding signals and power supply.

Regarding claim 7, this claim is rejected for the same reason as set forth in claim1, wherein Bryant further discloses the equipment for displaying the code power and the spreading factor is a code domain power analyzer (column 3 line 25).

Regarding claims 2 and 8, Bryant further discloses wherein the power levels of the code channels are displayed in a bar diagram (fig.1, 2B, column 1 lines 51-67).

Regarding claims 3 and 9, Bryant further discloses wherein those code channels which provide an alias power level, are marked in color (column 1 line 66, column 3 line 10).

Regarding claims 4 and 10, Engholm further discloses displaying the power levels of the code channels after a user entry, with the highest spreading factor that contains an active code channel(figs.1-3, paragraphs 11-14).

Regarding claim 5, Bryant further discloses assigning a marking allocated to a code channel providing an alias power level, in the case of a change to a higher spreading factor, to a code channel causing the alias power level (column 2 line 49 to column 3 line 20, 39-51, fig.2B).

Allowable Subject Matter

4. Claims 6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 6 and 11, the prior art of record fail to teach or suggest a first antenna and a second antenna, which use mutually orthogonal codes, marking a code channel with the spreading factor of the first antenna, in which an alias power level occurs, which is an actual power level of an active code channel of the second

antenna, differently from a code channel with an alias power level, which is an actual power level of a code channel with a higher spreading factor of the same antenna.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

January 27, 2007

SIMON NGUYEN
PRIMARY EXAMINER